

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID ALAN MORGENSEN,

Plaintiff,

v.

DOWNEY SAVINGS AND LOAN
ASSOCIATION, FA, et al.,

Defendants.

Case No. [5:15-cv-02000-HRL](#)

**ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED**

Plaintiff filed this lawsuit on May 4, 2015, alleging various violations in connection with non-judicial foreclosure proceedings. Although the complaint named a number of defendants, defendant Greenwich Capital Financial Products, Inc. (Greenwich) is the only one that has appeared in this action. Plaintiff and Greenwich recently advised that they have reached a settlement and anticipate filing a dismissal shortly.

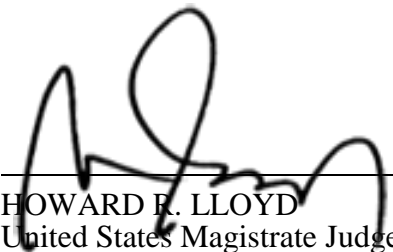
As for the remainder of the defendants, plaintiff has not prosecuted his claims. There is no indication on the docket that any of the other defendants have been served, and the deadline for effecting service has long since passed. Fed. R. Civ. P. 4(m). Additionally, this court dismissed plaintiff's complaint; and, although the court harbored some doubt whether plaintiff could amend his complaint to state a plausible claim for relief, plaintiff was given leave to amend, consistent with the rulings in the court's January 20, 2016 order. (Dkt. 40). Plaintiff, however, has not filed

1 an amended complaint, and the April 11, 2016 deadline has passed. Plaintiff undoubtedly was
2 aware of that filing deadline because it was set when the court issued an order granting his request
3 for an extension of time. (Dkt. 43). Further, in that same order, the court re-set the Initial Case
4 Management Conference for May 31, 2016, 1:30 p.m. (Id.). Although Greenwich made an
5 appearance at the conference, plaintiff did not.

6 Accordingly, plaintiff shall appear before this court on **June 14, 2016, 10:00 a.m.**
7 Courtroom 2, Fifth Floor, United States District Court, 280 South First Street, San Jose, California
8 and show cause why this case should not be dismissed for his failure to prosecute and to comply
9 with this court's orders.

10 SO ORDERED.

11 Dated: May 31, 2016



HOWARD R. LLOYD
United States Magistrate Judge

United States District Court
Northern District of California

5:15-cv-02000-HRL Notice has been electronically mailed to:

Daniel Raphael Paluch dpaluch@buckleysandler.com, autodocket@buckleysandler.com

Fredrick Stuart Levin flevin@buckleysandler.com, autodocket@buckleysandler.com,
ccaunca@buckleysandler.com, dlinden@buckleysandler.com, docket@buckleysandler.com,
dpaluch@buckleysandler.com, tthomas@buckleysandler.com

5:15-cv-02000-HRL Notice sent by U.S. Mail to:

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c/o 375 Woodland Drive
Scotts Valley, CA 95066